

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Andrea Alvarez Lindberg

Docket No. 7:14-MJ-1057-1RJ

Petition for Action on Probation

COMES NOW Pamela O. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Andrea Alvarez Lindberg, who, upon an earlier plea of guilty to DWI, Level III, 18 U.S.C. § 13, assimilating NCGS 20-138-1, Injury to Personal Property, 18 U.S.C. §13, assimilating NCGS 14-160 and Simple Possession of Drug Paraphernalia, 18 U.S.C. § 3, assimilating NCGS 0-113.22, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on August 6, 2014, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 72 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall participate in any other alcohol/drug rehabilitation and education program as directed by the U.S. Probation Office.
3. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until privilege to do so is restored in accordance with law.
5. The defendant shall pay a \$30.00 special assessment fee and \$500.00 in restitution during the period of probation.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The probationer has been residing in the Central District of California since her placement on probation. The probationer submitted urine samples which revealed positive results for marijuana by the national laboratory, on August 6, September 2 and October 16, 2014. Upon confronting the probationer she admitted to last using marijuana on August 10, 2014. An interpretation letter was requested from Alere Laboratories and received, stating it was their opinion that the probationer reused marijuana prior to the collections on September 2 and October 16, 2014.

On October 2, 2014, the probationer submitted a urine specimen which revealed a positive result for amphetamine. She denied the use of amphetamine and gave no explanation for the result. She did convey to her supervising probation officer that she drank beer on a daily basis and stated she would "go crazy" without it.

It is evident the probationer has substance abuse problems and is in need of intensive treatment. She has admitted to prior use of marijuana and daily use of alcohol. The supervising probation officer is willing to work with the probationer but has asked that her conditions be modified to include specific conditions to enable him to better supervise her case. The Central District of California has agreed to accept transfer of jurisdiction, therefore, we have enclosed the Form 22, for your signature.

The probationer signed a Waiver of Hearing agreeing to the proposed modification of supervision as noted below.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. Andrea Alvarez Lindberg shall participate as directed in an outpatient substance abuse treatment and counseling program that includes urinalysis, breath and/or sweat patch testing, as directed by the probation office. She shall abstain from using illicit drugs, alcohol, and abusing prescription medications during the period of supervision.
2. As directed by the probation officer, Andre Alvarez Lindberg shall pay all or part of the costs of the court-ordered treatment to the aftercare contractor during the period of community supervision, pursuant to 18 U.S.C. § 3672. She shall provide payment and proof of payment as directed by the probation officer.
3. Andrea Alvarez Lindberg shall refrain from any unlawful use of a controlled substance. She shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, not to exceed eight test per month, as directed by the probation officer.
4. During the course of supervision, the probation officer, with the agreement of Andrea Alvarez Lindberg and defense counsel, may place the offender in a residential drug treatment program approved by the United States Probation Office for the treatment of narcotic addiction or drug dependency, which may include counseling and testing, to determine if the offender has reverted to the use of drugs, and the offender shall reside in the treatment program until discharged by the program director and probation officer.

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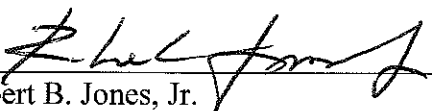
Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Pamela O. Thornton
Pamela O. Thornton
Senior U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: November 7, 2014

ORDER OF COURT

Considered and ordered this 7 day of November, 2014, and ordered filed and made a part of the records in the above case.


Robert B. Jones, Jr.
U.S. Magistrate Judge